

1 Cir. 2000). To satisfy this standard, the petitioner "must demonstrate that the issues are
2 debatable among jurists of reason; that a court could resolve the issues in a different manner; or
3 that the questions are adequate to deserve encouragement to proceed further." *Barefoot v. Estelle*,
4 463 U.S. 880, 893 n.4 (1983) (brackets, internal quotation marks and citation omitted). Any
5 doubts as to whether this standard is satisfied are resolved in the petitioner's favor. *Lambright*,
6 220 F.3d at 1025.

7 In denying relief, the court not only determined that Defendant is not entitled to relief, but
8 also that Defendant had "failed to establish that his claims are anything but frivolous." (Doc.
9 #28, p. 3.) Accordingly, the court concludes that Defendant has failed to make a substantial
10 showing of the denial of a constitutional right.

11 IT IS THEREFORE ORDERED that the request for certificate of appealability is
12 DENIED.

13 IT IS SO ORDERED.

14 DATED this 29th day of November, 2011.



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18 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE